

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 Elma Henderson,

5 Plaintiff

6 v.

7 Thomas Robert Hughes, et al.,

8 Defendants
9

2:16-cv-01837-JAD-CWH

Order Re: Pending Motions

[ECF Nos. 158, 159, 162,
163, 164, 166, 167, 171, 172]

10 Over the last two weeks, attorney Frank Stapleton has filed six separate motions to
11 dismiss and a motion to vacate a clerk-entered default on behalf of the various parties that he
12 represents in this case.¹ These seven motions—which contain significantly duplicative and
13 overlapping argument—take up 148 pages of briefing. The readability of those 148 pages is
14 further compromised by counsel’s failure to use proper pleading paper as LR IA 10-1(a)(1)
15 requires, failure to indent and single-space block quotes as LR IA 10-1(a)(4) requires, and
16 counsel’s use of numbered paragraphs instead of standard argument-style prose with an
17 identifiable memorandum of points and authorities as LR 7-2 (a) dictates. Five of the seven
18 motions exceed the 24-page limit in LR 7-3(b).² And despite the difficulties caused by these
19 non-rule-compliant filings, defense counsel refuses to grant plaintiff’s counsel a reasonable
20 extension of time to respond to these 148 pages, prompting a motion that seeks relief that should
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24 ¹ ECF No. 158 (Lake Holdings); ECF No. 162 (Hughes); ECF No. 163 (CBH Consulting, LLC,
25 Colindo, Ltd., and BCT Holdings LLC); ECF No. 164 (Colton Metals); ECF No. 166 (Mission
26 Mining and Western Gold); ECF No. 167 (Northstar Global BT and Odin Statutory Trust); ECF
No. 171 (Colindo Trust).

27 ² ECF No. 158 (28 pages); ECF No. 162 (27 pages); ECF No. 164 (28 pages); ECF No. 166 (26
28 pages). Defendants did not seek or receive permission to exceed the page limits set by the local
rule.

1 have been afforded as a minor professional courtesy.³

2 “It is well established that district courts have inherent power to control their docket.”⁴
3 “This includes the power to strike items from the docket as a sanction for litigation conduct.”⁵
4 And LR IA 10-1(d) expressly permits the court to “strike any document that does not conform”
5 with the rules.

6 I find that these filings do not comply with the local rules and have been prepared and
7 filed in an abusive manner that wastes parties’ and judicial resources. To streamline the motion
8 process, and based on this court’s inherent powers and those granted by the local rules, IT IS
9 HEREBY ORDERED THAT:

- 10 • The motions to dismiss filed by Mr. Stapleton on behalf of his jointly represented
11 clients in this case **ECF Nos. 158, 159, 162, 163, 164, 166, 167, and 171 are**
12 **hereby STRICKEN FROM THE DOCKET;**
- 13 • **Mr. Stapleton has until July 7, 2017, to file a SINGLE motion to dismiss on**
14 **behalf of all of his clients collectively. Separate motions to dismiss may not**
15 **be filed.** Because the court finds that some additional pages to accommodate all
16 of the clients’ arguments into this single motion may be reasonable, the court
17 grants an enlargement of the page-limit restriction and will permit Mr. Stapleton
18 **30 pages for that SINGLE motion to dismiss. No request for additional pages**
19 **will be entertained;**
- 20 • **Mr. Stapleton also has until July 7, 2017, to file a new motion to vacate the**
21 **clerk’s entry of default against Northstar Global BT and Odin Statutory**
22 **Trust. That motion may not exceed 24 pages and must comply with the other**
23 **local rules;**

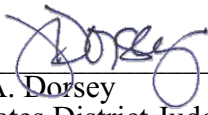
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25 ³ ECF No. 172.

26 ⁴ *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (quoting *Atchison,*
27 *Topeka & Santa Fe Ry. v. Hercules, Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998)).

28 ⁵ *Id.*

- 1 • Because this streamlining should alleviate the plaintiff's need for additional time
2 to respond to the only other defense motion that remains pending and unaffected
3 by this order (Hughes's pro per motion to dismiss at ECF No. 168), plaintiff's
4 motion for extension to respond to pending motions **[ECF No. 172] is DENIED**
5 **as moot.**

6 DATED: June 21, 2017

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9 Jennifer A. Dorsey
10 United States District Judge
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